

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Criminal Case No. 08-MJ-0340

Plaintiff,

**ORDER OF DETENTION ON
DEFENDANT'S WAIVER OF BAIL
PENDING REMOVAL**

SAMUEL SERVIN DIAZ,

Defendant.

In accordance with the Bail Reform Act of 1984, 18 U.S.C. § 3142(f), a detention hearing was scheduled for January 24, 2008, to determine whether defendant, Samuel Servin Diaz, (the “Defendant”) should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Special Assistant U.S. Attorney Carlos O. Cantu appeared on behalf of the United States. Attorney Frank Balistreri appeared on behalf of Defendant.

At the hearing on February 11, 2008, Defendant knowingly and voluntarily waived his right, on the record and in the presence of counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Defendant be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of Defendant's right to later

1 apply for bail and conditions of release, and without prejudice or a waiver of the right of the
2 United States to seek detention in the event of an application by Defendant for such relief.

ORDER

4 IT IS HEREBY ORDERED that the Defendant be detained pending trial and, if
5 convicted, sentencing in these matters.

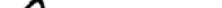
IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

11 While in custody, upon order of a court of the United States or upon the request of an
12 attorney for the United States, the person in charge of the correctional facility shall deliver the
13 Defendant to the United States Marshal for the purpose of an appearance in connection with a
14 court proceeding or any other appearance stipulated to by defense and government counsel.

15 This order is made without prejudice to modification by this Court and without
16 prejudice to the Defendant's exercise of his right to and a detention hearing at a future date.

18 IT IS SO ORDERED

Dated: February 12, 2008


Ruben B. Brooks
United States Magistrate Judge